

## **REMARKS**

In response to the Office Action dated March 16, 2009, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 1, 3-4, 7-9, 12, 14-20, 22-29, 31-32, and 34-36 are pending in this application. Claims 2, 5-6, 10-11, 13, 21, 30, 33, and 37-42 have been, or were previously, canceled without prejudice or disclaimer.

### **Rejection of Claims under § 101**

The Office rejected claims 43-47 under 35 U.S.C. § 101. These claims have been canceled, so the rejection is moot.

### **Rejection of Claims under § 112**

The Office rejected claims 12, 14-20, and 22-23 under 35 U.S.C. § 112, second paragraph, for being indefinite. Independent claim 12, though, has been amended, so the Office is respectfully requested to re-examine these claims in their current presentation.

### **Rejection of Claims over *Armstrong***

The Office rejected claims 1, 3-4, 7-9, 12, 14, 16-19, 22-29, 31-32, 34-36, and 43-47 under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent 6,807,423 to Armstrong, *et al.*

First, claims 43-47 have been canceled without prejudice or disclaimer, so the rejection of these claims is moot.

The remaining claims are not obvious over *Armstrong*. These claims recite, or incorporate, features that are not taught or suggested by *Armstrong*. Independent claim 1, for

example, recites “*wherein the plurality of contact devices includes at least one Internet-connected television.*” Support for these features may be found at least in the as-filed application at page 3, lines 17-20. Independent claims 12 and 24 recite similar features.

These features are not obvious over *Armstrong*. As the Assignee has previously explained, *Armstrong* monitors the presence of a “watched party,” and each “watched party” is given a unique identifier. See U.S. Patent 6,807,423 to *Armstrong, et al.* at column 6, lines 5-7. *Armstrong* has been thoroughly discussed in the record, so no further explanation is necessary. Still, though, *Armstrong* fails to teach or suggest “*wherein the plurality of contact devices includes at least one Internet-connected television.*” Because *Armstrong* is silent to at least these claimed features, one of ordinary skill in the art would not think that independent claims 1, 12, and 24 are obvious.

Claims 1, 3-4, 7-9, 12, 14, 16-19, 22-29, 31-32, 34-36, then, are not obvious over *Armstrong*. Independent claims 1, 12, and 24 recite features that are not taught or suggested by *Armstrong*. The dependent claims incorporate these features and recite additional features. One of ordinary skill in the art, then, would not think that claims 1, 3-4, 7-9, 12, 14, 16-19, 22-29, 31-32, 34-36 are obvious. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

#### **Rejection of Claims over *Armstrong* & *Luzzetti***

Claims 15 and 20 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Armstrong* in view of U.S. Patent 6,714,519 to *Luzzetti et al.* These claims depend from independent claim 12 and incorporate the same distinguishing features. As both *Armstrong* and *Luzzetti* have been thoroughly discussed in the record, no further discussion is necessary. Still, the proposed combination of *Armstrong* with *Luzzetti* fails to teach or suggest many of the features recited by independent claim 12. As the proposed combination of *Armstrong* with *Luzzetti* is silent to at least these claimed features, one of ordinary skill in the art would not think

that claims 15 and 20 are obvious. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

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If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

Scott P. Zimmerman  
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